



Order Filed on September 19, 2023
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY	
Caption in Compliance with D.N.J. LBR 9004-1(b)	
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In re:	Case No.: <u>23-13359 (VFP)</u>
BED BATH & BEYOND INC., et al.,	Chapter: <u>11</u>
Debtors. ¹	Judge: <u>Papalia</u>

**STIPULATION AND AGREED ORDER
REGARDING MARA SIRHAL'S MOTION FOR RELIEF FROM THE
STAY PURSUANT TO 11 U.S.C. § 362(D)**

The relief set forth on the following pages, numbered two (2) through four (4) , is **ORDERED**.

DATED: September 19, 2023

Honorable Vincent F. Papalia
United States Bankruptcy Judge

¹ The last four digits of Debtor Bed Bath & Beyond Inc.'s tax identification number are 0488. A complete list of the Debtors in these Chapter 11 Cases and each such Debtor's tax identification number may be obtained on the website of the Debtors' proposed claims and noticing agent at <https://restructuring.ra.kroll.com/bbby>. The location of Debtor Bed Bath & Beyond Inc.'s principal place of business and the Debtors' service address in these Chapter 11 Cases is 650 Liberty Avenue, Union, New Jersey 07083.

This Stipulation and Agreed Order (the “Stipulation”) is entered into between the above-captioned debtors and debtors in possession (collectively, the “Debtors”) and Mara Sirhal (“Sirhal” and, together with the Debtors, the “Parties”), who stipulate and agree as follows.

WHEREAS, Bed Bath & Beyond, Inc. (“BBBY”) filed a Complaint against Sirhal in the Superior Court of New Jersey, Union County on April 21, 2023, docket number UNN-L-01291-23 (the “State Court Action”), and served that Complaint on Sirhal on April 26, 2023; and

WHEREAS, on April 23, 2023 (the “Petition Date”), the Debtors filed voluntary petitions for relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) in the United States Bankruptcy Court for the District of New Jersey (the “Court”), which triggered these bankruptcy proceedings (the “Bankruptcy Proceedings”); and

WHEREAS, upon the Debtors’ filing of their chapter 11 petitions, the automatic stay went into effect pursuant to section 362 of the Bankruptcy Code (the “Stay”) which, among other things, operates as a stay of “the commencement or continuation, including the issuance or employment of process, of a judicial, administrative, or other action or proceeding against the debtor that was or could have been commenced before the commencement of the case under this title, or to recover a claim against the debtor that arose before the commencement of the case under this title.” [11 U.S.C. § 362\(a\)\(1\)](#).

WHEREAS, on July 31, 2023, Sirhal filed an Answer with Jury Demand in the State Court Action but, pursuant to the Stay, was prohibited under the law from asserting any counterclaims against Debtor; and

WHEREAS, on July 31, 2023, Sirhal the *Motion of Sirhal for Relief from the Automatic Stay* (the “Motion”) [[Docket No. 1681](#)] seeking from the Court a modification of the Stay so that Sirhal could assert counterclaims against Debtor in the State Court Action; and

WHEREAS, on August 4, 2023, Debtor filed a Notice of Removal to remove the State Court Action into the Bankruptcy Proceedings, but the Court on August 16, 2023, filed a Correction Notice that the Notice of Removal should be refiled as an Adversary Proceeding Case Opening. On August 21, 2023, Debtor re-filed its Notice of Removal and properly sought an Adversary Proceeding Case Opening, which

is now docketed as *Bed Bath & Beyond, Inc. v. Sirhal*, 23-01235-VFP (the “Adversary Proceeding”).

WHEREAS, the Parties have discussed and agreed to allow Sirhal to amend her Answer with Jury Demand and assert counterclaims against Debtor in the Adversary Proceeding, as requested by Sirhal in her Motion.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, AND UPON APPROVAL BY THE BANKRUPTCY COURT OF THIS STIPULATION, IT IS SO ORDERED AS FOLLOWS:

1. The foregoing recitals are hereby incorporated by reference into this Stipulation with the same force and effect as if set forth fully hereinafter.

2. This Stipulation shall not become effective unless and until it is approved and entered by the Bankruptcy Court.

3. This Stipulation is entered by the Parties solely to resolve the disputes set forth in the Motion and, except as necessary by the Parties hereto to enforce the terms of this Stipulation against the other, neither this Stipulation nor evidence of this compromise shall be construed as a waiver of any available claims or defenses, including at law, equity, or otherwise with respect to the Adversary Proceeding, except as otherwise provided in this Stipulation.

4. Sirhal is permitted to amend her Answer with Jury Demand to assert counterclaims against Debtor in the Adversary Proceeding within thirty (30) days of the date of the entry of this Stipulation and Agreed Order.

5. As a result of this Stipulation, Sirhal’s pending Motion is hereby withdrawn, and any scheduled hearings on the Motion are hereby cancelled.

6. The Debtors are authorized to take all actions necessary to effectuate the relief provided by this Stipulation.

7. Each of the Parties hereto represents and warrants it is duly authorized to enter into and be bound by this Stipulation.

8. This Stipulation may be executed in multiple counterparts, any of which may be

transmitted by facsimile or electronic mail, and each of which will be deemed an original, but all of which together will constitute one instrument.

9. The terms and conditions of this Stipulation shall be immediately effective and enforceable upon its entry.

10. The Bankruptcy Court retains exclusive jurisdiction to resolve any dispute arising from or related to the interpretation or enforcement of this Stipulation.

Date: September 14, 2023

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